

~~TOP SECRET~~

~~WORKING POINTS FOR JUDGE GESEY~~

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Introduction

1. Based on the discovery order of July 8, 1988, requiring production of documents related to numerous sensitive programs that were previously deemed irrelevant to the case, senior officials of the CIA have reviewed the implicated programs to identify the particular intelligence equities now at risk of public disclosure. The CIA is charged with the protection of sources and methods pursuant to the National Security Act of 1947 as amended, and Executive Order 12333. Without that protection, particularly given the scope and sensitivity of the programs implicated by the discovery order, the entire intelligence collection apparatus of the U.S. government is placed in jeopardy. Equally as important are the lives of human sources, who depend on the U.S. government to protect the confidentiality of that intelligence relationship fundamental to the mission of the CIA, and the methodology used to collect both human and technical intelligence. Intelligence services from foreign governments, including but not limited to the Soviet Union, Cuba and Iran are undoubtedly focused on these proceedings as a source for their own intelligence. Disclosure of sources and methods to these countries allows them to take protective measures, thus closing down collection avenues, places lives at risk, and requires enormous efforts to develop new sources and methods.

This review was undertaken even though the discovery order does not yet require public disclosure of the subject matter. We expect, however, that review by North and his counsel will lead to a request for declassification and use at trial. The purpose of this paper is to describe the particular areas identified by the discovery order in which even superficial discussion in a public trial could jeopardize national security. This discussion is meant to be illustrative and not exhaustive.

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Classified Programs

2. Hostage Location/Rescue Efforts

(See Paragraphs 3 and 4 of the Supplemental Discovery Motion)

A. At the present, nine U.S. hostages are being held by various radical elements of Hezbollah (see attachment). The discovery order, coupled with North's detailed knowledge of our hostage location and rescue programs, creates the risk of disclosure of numerous sensitive equities. Our hostage location efforts, which continue at a high intensity today, depend on many of the same human and technical sources that are identified in documents from the relevant time period.

B. Recent developments in the Iran-Iraq war have raised the possibility, ~~however slight~~, that renewed discussions concerning the hostages could lead to their release. These developments underscore the need to withhold from public ~~disclosure~~ our covert efforts towards the location and rescue of the hostages.

C. North's discovery request specifically asks for information about British hostage Terry Waite's role in U.S. hostage location and rescue efforts. Waite was publicly involved in negotiations for the release of the hostages as an envoy of the Anglican Church. However, Waite was covertly cooperating with the U.S. in hostage release efforts and North was his primary point of contact. ~~Because~~ Waite remains at risk by virtue of his captivity, any public disclosure of his cooperation with the U.S. would be dangerous. ~~It is~~ In early summer, the British government ~~recently~~ reaffirmed ^{to a senior State Department official} their ~~concern~~ that ~~any~~ reference to Terry Waite's cooperation with the U.S. government be ~~made~~ ^{prohibited} in this case.

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✓ D. U.S. Marine Corps Colonel Rich Higgins is the most recently seized American hostage. At the time of his ~~capture~~, Higgins was publicly accused by his captors of running CIA operations, including hostage location efforts in Lebanon. Higgins was not involved in those efforts. However, public confirmation of U.S. hostage location and rescue operations could provide Colonel Higgins' captors with a rationale to take action against him, as they clearly but inaccurately suspect his involvement.

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(b)(3)

E. ☐

☐ Hezbollah has shown no compunction at exploiting hostages to suit their purposes, including physical abuse and death. This propensity for violence is exemplified by William Buckley's death on 3 June 1985 at the hands of the Islamic Jihad (a Hezbollah faction) after a protracted period of physical ~~torture~~. Buckley was serving as Chief of the CIA station in Beirut when he was kidnapped on 16 March 1984. Also jeopardized by the disclosure of our hostage efforts are sensitive liaison relationships with other intelligence services, as well as source relationships, both technical and human, that are vital to this effort.

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U.S. HOSTAGES HELD IN LEBANON

Name, Nationality, Profession	Date/Place Kidnaped	Claimed by	Status
Terry Anderson, US Journalist AP Middle East Bureau Chief	16 Mar 85 West Beirut	Islamic Jihad	
Thomas Sutherland, US-Educator AUB Acting Dean of Agriculture	09 Jun 85 West Beirut	Islamic Jihad	
Frank Herbert Reed US Educator (Director of Lebanese International School)0	09 Sep 86 West Beirut	Ba'th Cells Organization and Arab Revolutionary Cells	
Joseph Ciccipio, US Educator Comptroller of AUB	12 Sep 86 West Beirut	Revolutionary Justice Organization	
Edward Austin Tracy US Itinerant Writer	21 Oct 86 (Reported this date and presumed West Beirut)	RJO	
Robert B. Polhill, US Educator - Beirut University College (BUC)	24 Jan 87 West Beirut	Oppressed of the Earth, Islamic Jihad for the Liberation of Palestine	
Alann B. Steen, US Educator - BUC	24 Jan 87 West Beirut	Same as Polhill	
Jesse Jonathan Turner US Educator - BUC	24 Jan 87 West Beirut	Same as Polhill	
Lt. Col. Richard Higgins, USMC U' Truce Supervision Organization	17 Feb 88 Near Tyre	Islamic Revolutionary Brigade at first; then Organization of the Oppressed of the Earth	

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